

### REMARKS

Applicants have amended claim 6 to clarify its scope. These amendments are supported at page 9, lines 14-16, of the application as filed and do not introduce new matter.

In response to the provisional double patenting rejection, and simply to expedite prosecution, applicants submit a terminal disclaimer to overcome the rejection.

Claims 1-4 stand rejected under 35 USC 103(a) on Ohara in view of Tapp. The Examiner asserts that Ohara discloses “the claimed invention except for a retainer,” citing Tapp as disclosing “it would have been [obvious] to have substituted the cover of the main body with a retainer (22) with [sic, for] the cover of Ohara et al to hold the wand assembly.” This rejection and its supporting reasoning are respectfully traversed.

Firstly, applicants note that although Tapp does disclose a retainer 22, that retainer is not configured so as to releasably attach the wand to the body when both requirements of the “wherein” clause of independent claim 1 are satisfied, that is, “when the wand is in the retracted state and the hose passes at least once around the main body.” When one considers the drawing figures in Tapp, for example, it is apparent that the hose does not and cannot wrap around the main body of the cleaning appliance at least once when the wand is attached to the main body. The combination of Ohara and Tapp does not produce the invention of claims 1-4 even in hindsight.

Secondly, the structures disclosed in Ohara and Tapp are not combinable as asserted by the Examiner. The Examiner argues that it would have been obvious to switch Tapp’s and Ohara’s covers so as to produce the claimed invention since that would have “yielded predictable results at the time of the invention.” The problem with the Examiner’s logic is that Ohara discloses an ordinary canister vacuum cleaner that would not have been viewed by persons of ordinary skill in the art as being amenable to the retention of the wand on the top of the main body. Ohara’s wand and cleaning head together are bulky and not seen as being attachable to the top of Ohara’s main body. Persons of ordinary skill in the art would have recognized that the

canister vacuum cleaner of Ohara and the upright machine disclosed in Tapp are ergonomically different and would not, contrary to the Examiner's argument, have viewed the main body covers to be interchangeable.

Since persons of ordinary skill in the art would have not have combined Ohara and Tapp as asserted by the Examiner and the combination of Ohara and Tapp even in hindsight would not have produced the invention of claims 1-4, this rejection should be withdrawn.

Claims 1-23 stand rejected under 35 USC 103(a) on Nighy in view of Tapp, for essentially the same reasons as stated with respect to the rejection on Ohara in view of Tapp. This reasoning and its supporting reasoning are respectfully traversed.

Nighy discloses a canister vacuum cleaner like Ohara's, without a retainer for the wand. Adding Tapp to Nighy would no more produce the claimed invention than would adding Tapp to Ohara as explained above with respect to claims 1-4. Tapp does not disclose or suggest using a channel formed in an outer surface of the main body as a retainer as set forth in independent claim 6. Tapp's spaced-apart claims 22 are the antithesis of a channel. Furthermore, the vacuum cleaner disclosed in Nighy does not have a place on its outer surface where such a channel could reasonably have been formed to hold the wand as claimed anyway. Since all of the rejected claims depend directly or indirectly from claims 1 and 6, they are allowable for at least the reasons claims 1 and 6 are allowable as explained herein.

Accordingly, the rejection of claims 1-23 on Nighy in view of Tapp should be withdrawn.

Applicants filed an Information Disclosure Statement on March 13, 2008. Applicants respectfully request consideration of this Information Disclosure Statement when the Examiner considers this response.

Early action allowing claims 1-23 is solicited.

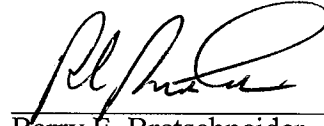
In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to  
**Deposit Account No. 03-1952** referencing docket no. 424662010200.

Respectfully submitted,

Dated: March 17, 2008

By:



Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 400  
McLean, Virginia 22102  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777